

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4791 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PUNJAB TRAVEL CO

Versus

UNION OF INDIA

Appearance:

M/S THAKKAR ASSOC. for Petitioner
DS AFF.NOT FILED (R) for Respondent No. 1
MR KT DAVE, AGP for Respondent No. 2, 3, 4, 5

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 06/10/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, a firm running luxury buses had prayed for a permanent injunction against the authorities under the Motor Vehicles Act, 1988 to restrain them from detaining or seizing vehicles mentioned in the prayer clause having all India tourist permits/authorisation certificates and also to restrain the authorities from compelling the petitioner to pay a fine for non-compliance of the

conditions prescribed under Rules 82 to 85A of the Motor Vehicles (All Indian Permit for Tourist Transport Operators) Rules, 1993.

2. In response to Rule issued by this Court, affidavit in reply dated 28.6.2000 has been filed by the Joint Director of Transport contending that the petition is premature as no cause of action has yet arisen within the State of Gujarat. It is stated that it was the RTO authority of Madhya Pradesh State which had exercised their powers and detained and seized the vehicles in their territories and, therefore, this Court would not have the jurisdiction to decide the question of detention and seizure of the petitioner's vehicles within the State of Madhya Pradesh.

3. In view of the aforesaid preliminary submission made on behalf of the respondents, it is not necessary to go into the merits of the controversy sought to be raised in this petition. The petition is, therefore, dismissed only on the ground that the impugned action was taken by the authorities within the State of Madhya Pradesh and, therefore, there was no cause of action for filing the present petition before this Court.

4. The petition is accordingly dismissed on the aforesaid ground. Rule is discharged. Ad-interim relief granted earlier stands vacated.

October 6, 2000 (M.S. Shah, J.)
sundar/-